P14

G. R. S. IX-5]

Previous references. 1894 ~~191~~ . (Jul)

File No. 2 of 94.

Serial Nos. 1–6.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6.

Jn. ~~Part~~ B for August 1897.

SUBJECT.

Making over the fines levied under local and Spec laws in force in the Bangalore City to Municipal Fund

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Indexed

October 1893

Subject No. 323

Making over of fines to Municipal funds

Summary of discussion.- The fines levied under local and special laws in force in the city should be made over to Municipal funds in the same manner as fines levied under the Municipal Regulations

Dewan's Reply:- This will be considered

MYSORE GOVERNMENT OFFICE.

Local Boards Branch.

OFFICE NOTE.

Subject.

Query by the General Secretary who called for the information contained in the attached D. O. and how as the question disposed

At the Dassara Representative assembly held in October 1893, the question of making over fines levied under local and special laws in force in the Bangalore City to Muni: Funds was raised (Vide subject No. 323)

In offl: memo Dy 1.9.94 No. 3623 / 2 F 3.4.93, the Dy: Comm. and District Magistrate of Bangalore was requested to state the amount of fines collected during 93-94 under special and local laws from the residents of the Bangalore City Municipality in the town Criminal Courts. From the state

statement submitted with his No. 825 Dt/16.1.95, a sum of Rs. 338.13.4 is shewn to have been collected as fines levied under each of the Special and local laws in force in the City of Bangalore. This reference still remains undisposed of. To issue final orders on the subject Pandu Gavu or some Asstt. Comrs. under his orders enquired by a D.O. as to the existing practice in Madras and the D.O. of 9th Febry 95 in the file seems to be a reply to such communication.

Submitted.
13/11/95

To
The 1st Comr
13/11.95

In the absence of any provision in the special or local laws referred to in section 4 clause (h) of the Municipal Act, the fines levied cannot be credited to municipal funds and should be claimed by the Police.

13/11/95

Note for Chief Sec. Mr. Kearney, who will submit with complete references. 27/7/97

Complete prefees are submitted. Dtd 27/7/97

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Note

A Representation having been made in the Basara Assembly of 1893 (Subject No: 323) that fines levied under local and special laws in force in the Bangalore City should be made over to Municipal Funds in the same manner as fines levied under the Municipal Regulations, the matter was held for consideration.

After some Correspondence, a draft order was prepared and passed by the 1st Councillor on

on the subject. Vide below

But before issuing the same, he ~
wished the Under ~
Secretary to go through
the Special Acts in force
in Bangalore City and
see if all or any of them
contained provisions
authorising the appli-
cation of funds for ~
Municipal purposes,
as in the Municipal
Regulations.

All this was in ~
December 1895. As I
was in charge of eithe
the Municipal or the
Legislative Department
at the time.

in a position to explain why there has been such delay in ascertaining the information required by the 1st Councillor. I came across the papers yesterday ~~to-day~~, and I have gone over the various Acts and rules in force in Bangalore.

In Regulation I of 1884 (Hackney Carriage), the Municipal Commissioners are authorised to make ~~trules~~ breaches of which are punishable with a penalty of Rs 50 Such penalties, I presume should be credited

the Municipal Funds, ~ like penalties for breach of bye-laws under the Municipal Regulations. There is nothing in any of the other laws, with ~ regard to the crediting of fines to the Municipal Funds. But Section 14 of Act III of 1867 (Gambling) and Section 31 of the Cattle Trespass Act give Government power to apply as it likes fines under these Acts.

When an Act or Regulation does not expressly say [illegible]

fines thereunder should only be applied for a particular purpose, it seems to me that the Government is always at liberty to assign them to the Municipal Funds by executive order. Section 9 of the Municipal Regulations includes under Municipal Fund "all moneys which may be assigned by Government for purposes of conservancy or improvement in the land Town-

Bangalore."

Subn to Secy for instructions, if any, for the further disposal of the matter in the Ind. Branch.

24/7/97

This the claim seems inadmissible, there is nothing to prevent a relief appeal being made by Govt - I do not think any order - should be passed on the representation which was made in 1893 but not seen to have been treated of.

28/7/97

28/7/97 -

The claim is certainly inadmissible and it is desirable to dispose of the case of the adm I have removed the present application of the claim a representation

28.7.97

Subn to Secy for perusal before the order is finally issued. (Please see also Mr Cots Kennedy's minute) -

29/7/97

Section Rev.
File No 2-94
Serial No 2

Official Memo

Engineer of fines to municipal funds

and District Magistrate

L/445

3623
Lt 94-93

9/9/94

With reference to the Subject
cl no 323 discussed at the Dassara
~~Dasara~~ meeting of the Representative
assembly held at Mysore in
October 1893, the Dy Comr of
the Bangalore District is
requested to state the
amount of fines collected
during 1893 94 under Special
and Local laws from the
residents of the Bangalore
City municipality in the Criminal
Courts of ~~Bangalore~~ and to state
~~to whether the amount cannot be made~~
~~over to the municipality~~ By order

N 31-8-94
for Chief

Gen. Serial No. 31.]

1894/95-4144

From The District Magistrate, Bangalore District

To The Secretary to the Dewan of Mysore.

Dated 24th Sept/94

Dispatched

Received 27 Sept 94

Enclosures—No.

General No.

D No. 396

The Chief Secretary's official memo No. 3623 L.F. 34-93 of the 1st Instant, requesting to be informed of the amount of fines collected during 1893/94, under Special and Local Laws from the residents of the Bangalore City Municipality

&

With reference to the above, has the honor to append in the margin a Statement shewing the amount of fines collected under

Submitted
prepared 21/9 28/9/94
Sent you a memo abt. the
to Chief Secy. in reply to the memo
Dt. Branch.
Request to be informed the name
wise Special and Local Laws in
in Bangalore City and the fine levied
in each item
12-10-94

* Only 5 Wards were
inspected as ordered
to be given to the City
for which no fines
the Cases appeared

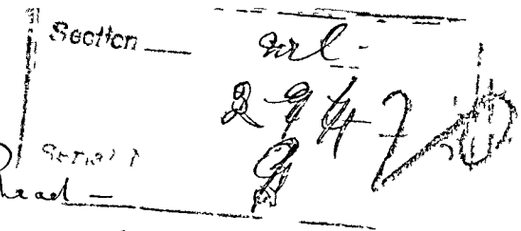
Total Rs. 338/13/4

1. City Magistrate — 331 5 4
2. 1st Genl & asst. Commrs. — 5 " "
3. 2nd Genl: asst. Commrs. — ½ " "
4. Bangalore Taluk Magte — " 8 "
5. Sub Judge — " " "
6. Munsiff — " " "
7. Prbry: asst. Commrs — " " "

head, in the several
Courts in Bangalore.

In Kumara Rao

for District Magistrate.



Docket dated 24th September 1894 etc 396 from the Dy Comr of the Bangalore District stating with reference to official Memorandum of Government docket dated 1st Idem that the amount of fines collected under Special and Local laws in the Bangalore City duty during 1893 94 was Rs 338-13-11,

RL 839
6129 R 20/10/94
L 34 93

Order thereon

The Dy. Comr of the Bangalore District is requested to name the several special and local laws in force in the City of Bangalore and the fine levied under each of them

N 12-10-94

To The Dy Comr Bangalore For Chief Secy

14

Gen. Serial No. 31.]

4176

1894-95 J 877

L 2536

From The District Magistrate

Bangalore

To

Chief

The Secretary to the

Dewan of Mysore

Dated 16th January 1895.

Despatched 18th Do

Received Do

Encl. No. 1.94

General No

D No 825.

With reference to the Government Proceedings No. 6129 dated 20th October 1894, J.J. 34-943 has the honor to forward herewith, a statement shewing the several Special and Local laws in force in the City of Bangalore with the amount of fines levied under each of them

2. Begs to state that the total amount of fines collected under these heads during 1893-94 is Rs 338-13-4 vide this Office No 396 dated 24th September last and not Rs 338-13-11 as

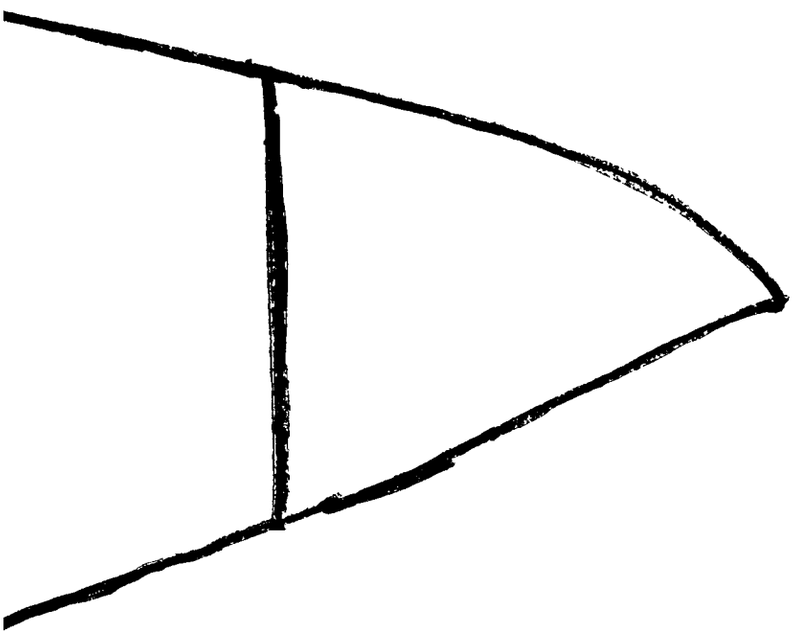
Transferred to the Local Board Branch

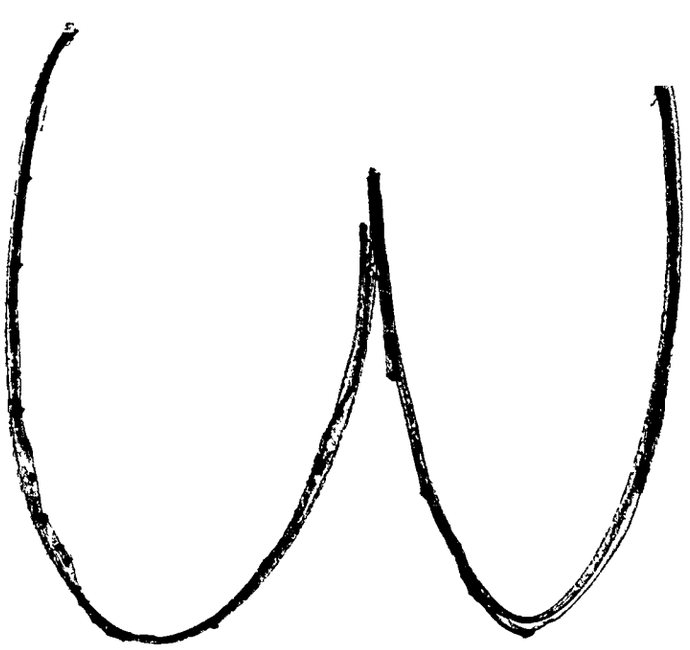
24-1-95

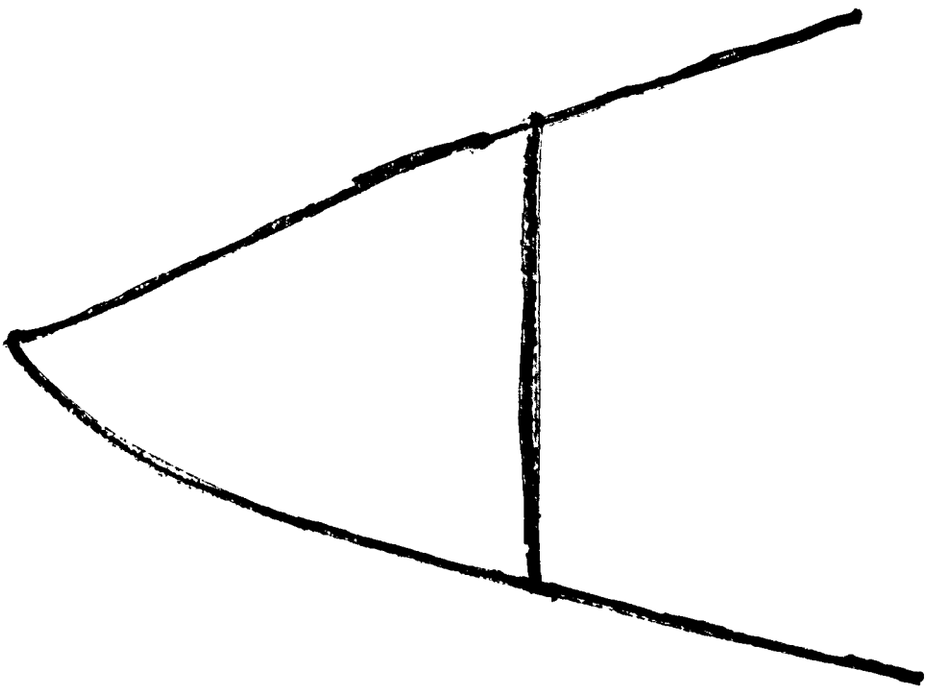
submitted The information now ~~asked~~ required was furnished by Pantulugaru SRJ 30/1/94

stated in the Proceedings
under Reference.

S. Sundaresan
Ag. District Magistrate







Secretary's Office,

ADRAS

9th Feb. 1895. — 19

No. Rev 2-94

No 5

Dear Sir,

Under section 296(3) of the Madras District
palities act IV of 1884, all fines imposed by
Magistrates under that act are credited to
funds, to be used for the purposes of the
and under section 450 of the City of Madras
cipal act I of 1884, the Magistrate may award
portion, not being more than one half of the fine
posed under that act, to the informer, and shall
r the remainder, or if he makes no award to
informer, the whole of such fine, to be paid to
Commissioners to be applied for the purposes
the act. See 246 Municipal Act

Fines collected under sections 3, 4 & 5 of
Towns Nuisances Act III of 1889 (Madras) for
nces committed within the limits of muni-
alities are also credited to municipal funds
under

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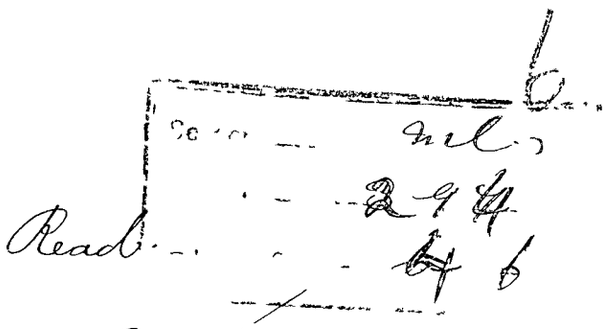
of Government passed in 1891, and
levied on account of offences against the
Resort Act II of 1888 (Madras) committed within
are likewise credited to municipal
under an order of Government in 1894.

Yours sincerely,

V. Ranga Charlu.



Read ... 4 6

Correspondence ending with Docket d/ 16 January/98 No. D 825, from the Distt. Magistrate, Bangalore, on the question of making over the fines levied under local and special laws in force in the Bangalore city to Municipal funds.

R 298

(Order thereon No: 1882-83 d/ 24-7-97

D/ 4 August/97

Under Sec. 9 of the Mysore Municipal Regulation III of 1971 / 1888 only such fines, fees, and penalties as are paid to, or levied by the Municipal Commissioners under

the said Regns. constitute the
Municl. Fund, and Sec:
24 b enacts that the Magistrate
by whom any fine or penalty
is imposed by virtue
of the said Regulations
may award any portion,
not being more than
one half thereof to the
informer and shall order
the ~~remainder~~ ~~proceeds~~ or if he make
no award to the informer
the whole, of such fine
or penalty to be paid
to the Commissioners, to be
by them applied to the
purposes of the said Re-
-gulations. The Government
observe that in the absence
of similar provisions
in favour of the Municipality
in any of the special

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or Local laws referred to, the fines levied thereunder cannot be credited to Municipal Funds or claimed by the Municipality, though the Government is at liberty to assign all or any portion of such fines for Municipal purposes.

Fair draft
Dy 1/8/97

for Secretary.

To,

The District Magistrate,
Bangalore.

President, Bangalore
City Municipality

Proceedings of the Government of Mysore, Local Boards Branch, Municipal, dated 4th August 1897.

READ —

Correspondence ending with docket, dated 16th January 1895, No. D—825, from the District Magistrate, Bangalore, on the question of making over the fines levied under local and special laws in force in the Bangalore City to Municipal Funds.

No. 1882-83—L F. 24-97, DATED, BANGALORE, 4TH AUGUST 1897.

ORDER THEREON.—Under Section 9 of the Municipal Regulations, 1871, only such fines, fees and penalties as are paid to, or levied by the Municipal Commissioners under the said Regulations, constitute the Municipal Fund; and Section 246 enacts that the Magistrate by whom any fine or penalty is imposed by virtue of the said Regulations may award any portion, not being more than one-half thereof, to the informer and shall order the remainder, or, if he make no award to the informer the whole, of such fine or penalty to be paid to the Commissioners, to be by them applied to the purposes of the said Regulations. The Government observe that in the absence of similar provisions in favor of the municipality in any of the special or local laws referred to, the fines levied thereunder cannot be credited to Municipal Funds or claimed by the municipality, though the Government is at liberty to assign all or any portion of such fines for municipal purposes.

C SREENIVASIENGAR,
Secy to Govt., Gen. & Rev. Depts.

To—The District Magistrate, Bangalore
The President Bangalore City Municipality

Ex.d.—H.A.B.

1897-98

GOVERNMENT OF MYSORE

LOCAL BOARDS BRANCH MUNICIPAL

PROCEEDINGS

Dated 4th August 1897

No. 1882 83
L. F. 24-97

Passing orders on the question of making over the fines levied under local and special laws in force in the Bangalore City to Municipal Funds.

M G C.P.B —24-8-97—120